



110/03668 A02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mordechay BEYAR, et al.
Serial Number: 10/628,499
Filed: July 28, 2003
Title: SPACER FILLER
Art Unit: 3732
Examiner: Eduardo C. Robert

Mail Stop Amendment
Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ELECTION

Sir:

This letter is in response to an Office Action dated April 19, 2005.

The present application includes claims 1-8, which are subject to an election requirement.


In response to the election requirement, applicants elect species I. Species I is illustrated in Figs. 1A-1D and all of claims 1-8 are readable on this species. These Figs. show a spacer 20 which meets the requirements of claims 1-4, which spacer could be used with the enclosure of claim 5 and/or could be included in a kit of claim 6. As explained on pages 22-23 of the present application, spacer 20 of species I could be used with different types of precursors, including those of claims 7 and 8.

Applicant notes that MPEP §806.04(I) states that "claims to be restricted to different species must be mutually exclusive. The general test as to when claims are restricted, respectively, to different species is the fact that one claim recites limitations which under the disclosure are found in a first species but not in a second, while a second claim recites limitations disclosed for the second species and not for the first". Therefore, in this case, claims 1-8 should not be classified as belonging to different species.

An office action on the merits is respectfully awaited.

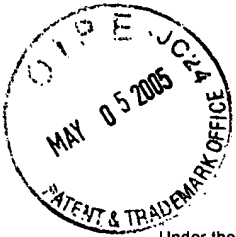
If the Examiner is unable to agree that the claims are all patentable, he is respectfully requested to contact the undersigned at toll free 1 (877) 428-5468. This number connects directly to our office in Israel. Please note that Israel is 7 hours ahead of Washington and that our work week is Sunday-Thursday.

Respectfully submitted,
Mordechai BEYAR, et al.



Maier Fenster
Reg. No. 41,016

May 4, 2005
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PTO/SB92 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031
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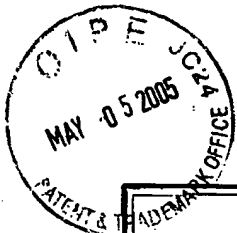
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Applicant: Mordechay Beyar, et al.
Serial No: 10/628,499
Filing Date: July 28, 2003
For: SPACER FILLER
Enclosures: (1) Transmittal Letter (in duplicate);
(2) Election (2 pages);
(3) Acknowledgement Postcard.

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MAY 09 2005

IFW

**TRANSMITTAL LETTER
(General - Patent Pending)**

Docket No.
110/03668

In Re Application Of: Mordechay BEYAR et al.

Application No. 10/628,499	Filing Date July 28, 2003	Examiner Eduardo C. ROBERT	Customer No. 44909	Group Art Unit 3732	Confirmation No. 5064
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Title: SPACER FILLER

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Response to Election Requirement dated April 19, 2005

in the above identified application.

- ☒ No additional fee is required.
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Signature

Dated: May 4, 2005

Maier FENSTER, Reg. No. 41,016

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